

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

In the Matter of:

ANA MARIAM BEJARANO

Debtor

Chapter 13

Case No. 21-10087-KHK

**OBJECTION TO CONFIRMATION OF MODIFIED PLAN,**  
**NOTICE OF OBJECTION TO CONFIRMATION OF MODIFIED PLAN**  
**AND**  
**NOTICE OF SCHEDULED HEARING ON THIS OBJECTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Modified Chapter 13 Plan filed August 19, 2021. The cause for this objection is as follows:

**Violation of 11 U.S.C. §1325(a)(6) - Feasibility.**

- Debtor was unable to maintain her Plan obligations in her most recent prior case, (Case No. 18-13444-BFK) which was dismissed less than two months before this one was filed. Her financial situation does not seem to have materially changed.
- Plan does not provided for filed priority Proof of Claim of Virginia Department of Taxation (Claim #18).

**Violation of 11 U.S.C. §1325(a)(3) and 11 U.S.C. §1325(b)(1)(B) - Good Faith and Disposable Income.**

- Trustee objects to payment of mother's vehicle<sup>1</sup> on a 34% Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

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<sup>1</sup> Section 4D of this Plan refers to this as "Husband's Auto", which is revisionist. It was previously described as their "Mother's Auto". (See Plan filed April 15, 2021, Dkt #33, Section 4D)

**Notice of Objection To Confirmation**

Ana Mariam Bejarano, Case # 21-10087-KHK

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

**REMOTE HEARING INFORMATION:**

Due to the COVID-19 public health emergency, no in-person hearings are being held.

This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at [www.vaeb.courts.gov](http://www.vaeb.courts.gov), on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

\*\*\* The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions. \*\*\*

**PLEASE NOTE:** You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

*Attend the hearing to be held on September 23, 2021 at 1:30 p.m., in Courtroom III on the 3<sup>rd</sup> floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.* If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

**Notice of Objection To Confirmation**

Ana Mariam Bejarano, Case # 21-10087-KHK

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman  
300 North Washington Street, Ste, 400  
Alexandria, VA 22314

Clerk of the Court  
United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: August 24, 2021

/s/Thomas P. Gorman  
Thomas P. Gorman  
Chapter 13 Trustee  
300 N. Washington Street, #400  
Alexandria, VA 22314  
(703) 836-2226  
VSB 26421

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 24<sup>th</sup> day of August, 2021, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Ana Mariam Bejarano  
Chapter 13 Debtor  
4204 Carmel Terrace  
Chantilly, VA 20151

Suad Bektic  
Attorney for Debtor  
New Day Legal, PLLC  
98 Alexandria Pike, Suite 10  
Warrenton, VA 20186

/s/ Thomas P. Gorman  
Thomas P. Gorman